

ZONING BOARD OF APPEALS

AUGUST 18, 2014 MEETING MINUTES

PRESENT: Chairperson Ron Nolland, Maurica Gilbert, Connie Fisher,
Scott DeMane, Kathy Latinville (Alt.) Karl Weiss, (Alt.)

ABSENT: Michelle LaBounty

ALSO PRESENT: Joseph McMahon, Building Inspector
Bruce Larsen, Community Development

Appeal #2003 Chris Jackson

Appeal #2004 Jesse Brooks

Appeal #2005 Ron Riddle

Appeals #2006 Chris & Tracy Rosenquest
#2007 Frances Wright
#2008 Peggy Degrandpre
Dale Dowdle
John & Debbie Linney
Paul Spilman
Omshanti Parnes
Scott Aguglia & Shannon Tomo
Anita Brodogi
Rick Perry

Mr. Nolland called the meeting to order at 7:01 PM. He advised this is a 5 person board, which consists of 5 regular members and 2 alternate members. Six members were present tonight.

Mr. Nolland advised he lives directly across from Broad Street on the other side of Couch Street and is within 500' from this address. The rule is if any board member owns within 500' of the application address, they recuse themselves unless there are only 5 members present and the applicant wants them to wave this rule. There were 6 board members present tonight so Mr. Nolland will be recusing himself from Appeal #2004 and Ms. Gilbert will run the meeting for this appeal.

Ms. Fisher lives within 500' of 25 Lorraine Street, Appeal #2005 so she will be recusing herself from hearing this appeal and Ms. Latinville will step in to hear this appeal.

For Appeals #2006, 2007 and #2008, there are 2 Board members with conflicts. One is Ms. Gilbert, who owns the property and she must recuse herself. There is no waiving of that rule. Mr. Nolland also lives within 500' of this parcel but the applicant can request that the rule be waived so they can have a 5 person board and asked the Rosenquests if they would like to do this. They said yes.

The order of the agenda will not be changed.

For each application, 3 positive votes are needed to carry any motion. The applicant has a right to postpone on Board's behalf one time

The below items were on tonight's agenda.

APPEAL	APPLICANT	REQUEST
2003	CHRISTOPHER JACKSON 54(56) OAK STREET	CLASS B VARIANCE CREATE PARKING/TURN AROUND AREA IN REAR YARD WHICH DECREASES OPEN SPACE TO LESS THAN 50%
2004	CHAMPLAIN VALLEY CHRISTIAN CENTER 63 BROAD STREET	CLASS B VARIANCE SIGN NOT PERMITTED IN RESIDENTIAL DISTRICT
2005	RONALD RIDDLE 25 LORRAINE STREET	CLASS B VARIANCE PROPOSED GARAGE ADDITION WOULD BE TOO CLOSE TO REAR AND SIDE PROPERTY LINES
2006	TRACY VICTORY-ROSENQUEST AND CHRIS ROSENQUEST 92 BRINKERHOFF STREET	SPECIAL USE PERMIT OPERATE A FIVE BEDROOM BED & BREAKFAST
2007	TRACY VICTORY-ROSENQUEST AND CHRIS ROSENQUEST 92 BRINKERHOFF STREET	CLASS A VARIANCE PARKING
2008	TRACY VICTORY-ROSENQUEST AND CHRIS ROSENQUEST 92 BRINKERHOFF STREET	CLASS A VARIANCE OPERATE A COFFEE SHOP IN A FIVE BEDROOM BED AND BREAKFAST

The **first** item on the agenda was Appeal #2003, Christopher Jackson, 54 (56) Oak Street for a Class B Variance to create parking/turn around area in rear yard which decreases open space to less than 50%.

[Meter 2:46]

Mr. Nolland stated this variance would be 38 square feet, or ½ of a percent.

The application was discussed.

Clinton County Planning Board deemed this a local issue however that meeting was not official, being they had only 5 board members present and 6 positive votes are required to pass any decision.

The section appealed is 270-10. Mr. Jackson has owned this since 1997.

Mr. Jackson is requesting to create this parking area to be able to pull in and back into his garage.

Mr. DeMane asked for clarification of the variance amount. The variance is the percentage of open space. Mr. Nolland advised the open space is the percentage of the total lot, which is 4,488 s.f. The applicant is currently under the open space requirement.

MOTION SHORT FORM SEQR:

By Ms. Gilbert, seconded by Mr. DeMane

REGARDING PART 2 OF THE SHORT FORM SEQR, THAT THE BOARD FINDS THAT NO IMPACT MAY OCCUR AND THEREFORE THE ANSWERS TO QUESTIONS 1 - 11 SHOULD BE CHECK TO THE LEFT AS NO TO SMALL IMPACT

ALL IN FAVOR

MOTION 2 APPEAL #2003:

By Ms. Gilbert, seconded by Mr. DeMane

REGARDING PART 3 THAT THE BOARD FINDS THAT BASED UPON THE SEQR FORM THE APPLICATION AND THE TESTIMONY HEARD THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS AND THUS THE SECOND BOX SHOULD BE CHECKED.

ALL IN FAVOR

Mr. Nolland then opened up the meeting for the public hearing portion for this appeal. [Meter 11:24]

MOTION 3 APPEAL #2003:

By Mr. DeMane, seconded by Mr. Weiss

**TO APPROVE APPEAL #2003, CHRISTOPHER JACKSON AT 54 OAK STREET
FOR A CLASS B VARIANCE TO CREATE PARKING/TURN AROUND AREA IN REAR
YARD WHICH DECREASES OPEN SPACE TO LESS THAN 50%, PERCENTAGE TO
BE 49%**

ALL IN FAVOR: 5

OPPOSED: 0

MOTION APPROVED

The **second** item on the agenda was Appeal #2004, Champlain Valley Christian Center for a Class B Variance for a sign not permitted in a residential district.

[Meter 13:14]

Mr. Nolland then recused himself and Ms. Latinville stepped in to replace him.

Ms. Gilbert chaired this portion of the meeting.

Mr. Brooks stated this request is for a road front sign.

Ms. Gilbert added 0 is allowed for this parcel. Mr. Brooks thought the size to be 5 x 5. 25 on each side = 50 square feet.

The sign will be internally lit and landscaped at the bottom.

Clinton County Planning Board deemed this a local issue however that meeting was not official, being they had only 5 board members present and 6 positive votes are required to pass any decision.

This is an R-2 district.

They've only owned the building for a year.

Ms. Gilbert asked if he needed wall signage. Mr. Brooks said he would like wall signage. Mr. Brooks is representing the Church as the Senior Pastor. Ms. Gilbert suggested a letter on the Churches letterhead authorizing Mr. Brooks to act on the Churches behalf.

MOTION SHORT FORM SEQR PART 2:

By Ms. Fisher, seconded by Mr. Weiss

**REGARDING PART 2 OF THE SHORT FORM SEQR THAT THE BOARD FINDS NO
IMPACT MAY OCCUR AND THEREFORE THE ANSWERS TO QUESTIONS 1-11
SHOULD BE CHECK TO THE LEFT AND FINDS NO IMPACT**

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION SHORT FORM SEQR PART 3:

By Ms. Fisher, seconded by Mr. Weiss

REGARDING PART 3 OF THE SHORT FORM SEQR THAT THE BOARD FINDS THAT BASED ON THE SEQR FORM, THE APPLICATION AND THE TESTIMONY HEARD THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS AND THUS THE SECOND BOX SHOULD BE CHECKED

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

Ms. Gilbert reminded the applicant that the sign cannot be closer than 5' to the street. She then read the Area or Dimensional Variances into the record. [Meter 20:36]

Applicant is asking for a 50 square foot sign. Ms. Gilbert stated asking for 50 square feet (SF) is asking for almost double to what a conforming use would have. She asked if applicant could live with a smaller sign. Mr. Brooks said he would like to keep the 50 SF due to visibility issue.

[Meter 22:52 Discussion about churches with signs, where signs are located, problem with the code and how it needs to be changed to allow churches to have signs].

PUBLIC COMMENT:

Mr. Nolland advised if you are going to grant the variance, you need to decide the size of the wall sign to add that in. Secondly be very specific that this is not the way variances for digital signs are decided. Digital signs can change and these are not changeable.

Mr. Spilman, 15 Pleasant Street asked about the size of the sign.

CLOSED PUBLIC HEARING. [Meter 25:56]

Mr. DeMane said the drawing submitted with the application is 5' high and 5' wide but on a pedestal. Mr. Brooks said the pedestal height is included in the 5'. The pedestal is 1'. Discussion on a 4' x 5' sign, which is 40 sq. feet. The pedestal does not count toward signage. Mr. Brooks confirmed dimensions. Mr. McMahon noted the text said 5' x 5'.

Mr. DeMane mentioned the multi-use driveway. Ms. Gilbert asked does the deed allow a right-of-way to adjoining property owners to actually use the mouth of the driveway. Mr. Brooks did not know. Ms. Gilbert asked if the sign could be further away from driveway. Mr. Brooks said the sign is proposed to go in 7-10' from the property line but he thought there was 7' on the other side. Ms. Gilbert was not sure where the parking lines were and then asked if applicant would consider postponing this for 1 month until more information was given to the Board. The Board needs to know exactly where the sign is going to be installed on this property. It is also going to be twice the size on what is allowed per the code. Wall signage is also needed and that has to be taken into consideration.

MOTION:

By Mr. DeMane, seconded by Ms. Latinville

TO POSTPONE APPEAL #2004 ON THE BOARD'S BEHALF FOR CHAMPLAIN VALLEY CHRISTIAN CENTER, 63 BROAD STREET AWAITING ADDITIONAL INFORMATION ON EXACT SIZES, LOCATIONS AND POSSIBLE EXPANDING THIS TO INCLUDE WALL SIGNAGE

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **third** item on the agenda was Appeal #2005, Ronald Riddle, 25 Lorraine Street for a Class B Variance for a proposed garage addition to close to rear and side property lines.

[Meter 34:00]

Ms. Fisher recused herself from hearing this appeal. Mr. Nolland stepped back into the meeting.

This parcel has received a Variance in November 2012 for an addition to an accessory structure too close to the rear property line.

Mr. Riddle added this variance is a request to finish that addition.

Mr. Nolland understood there was a question about the fencing and what property it's on and asked Mr. McMahon for the deviation. Mr. McMahon stated at the closest point 4 1/2 feet from the side property line and 4' 1" from the rear property line, which both average out to 4'4" and 4'10".

The only variance is for setback.

Mr. Riddle explained he received the first variance because he wanted to connect the lines and make the building straight. The second part is to request to move it ahead 2' and be 5' from the line.

The garage is for storage purposes.

PUBLIC HEARING PORTION [Meter 37:47]

There were no comments from the audience on the appeal.

SHORT FORM SEQR:

Page 2, Question 5b

Should be answered no.

MOTION SHORT FORM SEQR:

By Ms. Gilbert, seconded by Mr. DeMane

**REGARDING PART 2 OF THE SHORT FORM SEQR THAT THE BOARD FINDS
THAT NO IMPACT MAY OCCUR AND THEREFORE THE ANSWER TO QUESTIONS
1-11 SHOULD BE CHECKED TO THE LEFT AS NO OR SMALL IMPACT**

ALL IN FAVOR

MOTION #2:

By Ms. Gilbert, seconded by Mr. DeMane

**REGARDING PART 3 OF THE SHORT FORM SEQR THE BOARD FINDS THAT
BASED UPON THE SEQR FORM, THE APPLICATION AND THE TESTIMONY
HEARD THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT
ADVERSE ENVIRONMENTAL IMPACTS AND THUS THE SECOND BOX SHOULD
BE CHECKED**

Ms. Latinville questioned who owned the fence. Mr. Riddle said he owned the fence.

MOTION APPEAL #2005:

By Ms. Gilbert, seconded by Ms. Latinville

**REGARDING APPEAL #2005, RON RIDDLE, 25 LORRAINE STREET TO ALLOW
THE BUILDING THAT HAS BEEN BUILT THAT THE VARIANCES TO BE
GRANTED FOR THIS NEW AND FINAL SECTION ADDED TO THE GARAGE WILL
BE ON THE SIDE 6 INCHES INTO THE SETBACK AS SUPPOSED TO BE THERE
AND ON THE REAR SIDE 11 INCHES INTO THE DEEMED SETBACK THAT
SUPPOSED TO BE THERE.**

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **next 3 items** on the agenda were for Tracy Vicory-Rosenquest and Chris Rosenquest, 92 Brinkerhoff Street as follows:

Appeal #2006	Special Use Permit	Operate Bed & Breakfast
Appeal #2007	Class B Variance	Parking
Appeal #2008	Class B Variance	Operate Coffee Shop

[Meter 42:14]

Ms. Gilbert then recused herself and Ms. Fisher stepped back in to hear these appeals. There were 5 members to hear these appeals.

The Rosenquest's were acting on behalf of the owner. A letter was submitted by the owner authorizing them to act on her behalf.

Mr. Nolland started this discussion stating when it comes to use variances, there are more stringent tests and criteria for Class A Variance than for Class B (area, bulk control, setbacks, lot coverage, etc.) variances.

Appeal 2006 is a Special Use Permit (SUP) to operate a 5 bedroom bed and breakfast. That is not a Class A or B Variance. It's a SUP and that is a "matter of right." Primary uses in a district are allowed. You have accessory uses that are allowed and uses that are allowed by a special permit. All of them are allowed including a bed and breakfast in that district. Unless there is a demonstration that would materially change the neighborhood-and this would be hard to prove-this is an allowed use. A bed and breakfast is a residential use in an RH district. He stated he does live within 500' and the RH district is near and dear to him.

The Special Use Permit is strictly to talk about the bed and breakfast use. It's an allowed use with a SUP that is a matter of right.

Appeal #2007 is a Class B Variance for parking. This is not a SUP. There is enough parking or the availability to create enough parking on site for the SUP for the 5 bedrooms and owners occupancy.

Appeal #2008 is a Class A Variance to operate a coffee shop in the Bed & Breakfast. That use variance is the most stringent and qualifications needed. This variance causes the Class B Variance for parking. The parking that they are asking for relief from is the parking that would be required for the Class A variance, not the parking for the allowed use.

Mr. Nolland reiterated the bed and breakfast use is an allowed use.

If the applicant does not get a Class A Variance for a coffee shop, they won't need the Class B Variance for the parking relief. On the other hand they can't get the Class A Variance for the coffee shop if they don't get the variance for the parking. The variance for the parking is the coffee shop use requires one parking space per 50 SF of use, which means they would have to have 10 parking spaces to have a

coffee shop. They are asking not to do that because they don't want that kind of impact in the neighborhood and they don't want that kind of parking in the neighborhood and don't want to pave the entire parcel. All of the above items bear close scrutiny and that's what the board will do.

In the pre-meeting, a lot of information was discussed. For appeal #2006 SUP is really that hard to deal with. It's a matter of right and an allowed use and the Board can vote on this tonight. It's very common standard procedure for the Board.

But the Class A Variance requires extensive financial data. Information was given to the Board and the applicant brought more information in but there is a concern by the Board about whether they have enough financial information from the owner as opposed to the proposed owner to show there that there is a lack of reasonable return to justify allowing a coffee shop. They may find those portions get postponed because the Board needs more information.

Public Hearings will be held for each appeal along with a public comment period.

The actual applicant is Omshante Parnes because she owns the building. She needs to show that she cannot get a reasonable return on her original investment. She has owned the building since 1991. Some information has been submitted by the applicant but the board feels that wasn't enough to provide the burden of proof needed to grant a Class A Variance. The board is dictated by the State as to what they need regarding required financial information.

Mr. Nolland continued stating the applicant is selling this property for an allowed use but the other uses require variances. He explained further. [Meter 51:03] The Board then agreed they did not have enough financial information for Appeal #2008.

Mr. Nolland believed Appeals #2008 & 2007 would be postponed on the Board's behalf to next month so Ms. Parnes and the future owners can get the information together. But these appeals will be discussed at tonight's meeting so the neighbor's concerns can be heard.

BOARD COMMENTS:

Ms. Fisher asked what the size of the coffee shop would be. Mr. Rosenquest advised they want to convert the living room, family room and dining room into a walk-in coffee house. Not a Starbucks, not a big blinking sign in the front yard but rather a neighborhood convenient that serves both the neighborhood, college and CVPH. Their layout is 480 SF with the majority of the retail space in the coffee/kitchen/prep area for the coffee would be in the dining area. The seating capacity would depend on the layout of the coffee house.

Mr. Rosenquest said regarding initial projections based on what they would need to maintain the coffee shop - the hours of operation would be from 7:00 AM - 6:00 or 7:00 PM. The coffee shop would be closed when the Rosenquests take off from their regular teaching jobs.

The County has rules on what they can offer in terms of guests staying at the facility vs. what they can offer for takeout. They cannot serve breakfast or any food items out of the kitchen based on Clinton County rules.

Mr. Nolland mentioned the letter from Ms. Parnes and added she will need to demonstrate the lack of reasonable return on this property. Reasonable return means the applicant is really having a financial hardship and the price is an issue, including heating costs, etc. The board needs this information.

Ms. Nolland believed what's happening here is they cannot afford to buy this, which is not the board's problem – unless they can do something with the income. Showing financial stress in an important item relative to the Class A Variance.

Mr. Nolland then spoke about the Class B Parking variance. Normally the Board likes to control things with regulating the parking (student housing, etc.). He gave examples. [Meter 58:50]

Mr. Rosenquest added he and his wife have spent some time canvassing the neighborhood, handing out flyers, introducing them-selves and speaking with the neighborhood about their intentions. They have heard some concerns and they are more than open to hear additional comments.

[Meter 59:46]

PUBLIC HEARING:

Anita Brodogi, 63 Cumberland Avenue stated it was very exciting that they want to do something fun like this that creates a walking environment in that neighborhood and have a place to congregate and talk. She hopes that it's so successful that they actually have too much traffic. The problem is nothing is happening in this City. She also speaks for her mother who lives down the block from this address.

Scott Aguglia, 90 Brinkerhoff then read his letter into the record. [Meter 1:01:33]

TEMPORARILY CLOSED PUBLIC HEARING [Meter 1:03:55]

Mr. Nolland said it's clear the Board is proceeding cautiously. The applicant is being cooperative. At the September meeting, there will be more discussion and understand better exactly what the coffee shop is going to be like.

Mr. Nolland advised Ms. Parnes house IS allowed to have the Bed and Breakfast and if they are not careful what's going to happen is the values of larger single family homes are going to fall to the point where somebody will be able to buy them and put 4 students in. This is a perfect example of this. This is very very real. He lives on Couch Street with student housing all around him and fully knows about students. This is a real danger. Everybody needs to be proactive about how the neighborhood can be shaped because it's certainly nicer to have this type of use than more student housing or young adult housing. This doesn't mean they just hand this variance over. He believes they can be pretty limited as to what they allow and not allow as far as hours of operation.

Ms. Parnes added she would come back with more financial information but when she bought this piece of property it had been abandoned and in a severe state of disrepair. She nursed this place back to what it should look like under today's standards. It really has a lot of character and adds character to this neighborhood and her greatest fear is ... yes she is going to sell this property. She has too. And she would really hate to see it go to people that don't appreciate that character. That's what the Rosenquests are trying to maintain. There are a lot of beautiful homes on this neighborhood that have been absolutely destroyed.

Mr. Nolland reiterated the Board is bound by state regulations to be very very thorough and very careful about granting Class A Variances and make sure that there is a real financial need.

MOTION:

By Ms. Fisher, seconded by Mr. DeMane

TO POSTPONE ON THE BOARD'S BEHALF APPEAL #2007 AND #2008 FOR 1 MONTH

ALL IN FAVOR: 5

Mr. Nolland encouraged audience attendees to call the Building Inspector's Office for more information.

The deadline for material submission for the September zoning board meeting is August 23, 2014.

[Meter 1:11]

APPEAL #2006 (Special Use Permit):

The Long Form SEQR was discussed. The City ordinance allows for a bed and breakfast to contain up to 5 bedrooms for rental plus an area for the owners to occupy plus an accessory apartment. Parking is calculated based on the same standards relative to the owner/occupied area. (i.e. first 2 adults need one space). Each bedroom requires a space. 6 parking spaces are required for this appeal. They have 6 spaces, 2 in the garages and 4 outside of the garage that would fit. They would not need any variance for that parking. They have plenty of open space. This application also does not exceed any sideyard or front yard requirement. It's a 2 car garage but the list has it as a 1 car garage. The diagram shows it as a 2 car garage. For clarification, the garage was deemed a 1 car garage.

Mr. Nolland then advised a new properly laid-out parking plan was required.

The Board could grant a SUP for up to 5 bedrooms assuming the applicant could provide 6 spaces. If the applicant couldn't provide 6 spaces, then they could only have 4 bedrooms. The applicant agreed.

For a SUP, the applicant is allowed as many bedrooms as you can provide parking for, including the applicant's space. Any SUP would be for up to 5 assuming parking is provided without any variance. The applicant's understood. [Further explanation, Meter 1:16]

The parking spaces need to be 9 x 18 feet, according to City standards.

The Long Form SEQR was discussed. Clarification was made this Long Form SEQR was JUST for the SUP, not the Class A or B Variances.

Page 5 B.25. Approvals Required: cross out Class A, Class B.
Page 5 C1 It's not a zoning variance, just a SUP.

A LF SEQR is required for a Class A. The Class B requires a Short Form SEQR.

Long Form SEQR Part 1:

Page 5 C3. Single Family, professional office, bed and breakfast.

Page 2 A2 Acreage is ¼ acre.
 Other: lawn areas. Will be changed due to new
 asphalt.

Mr. McMahon added the original site plan information called for 792 SF of added parking. Existing is 1296.

Page 2 A2. Roads, buildings & other paved surfaces:
 Presently: 1296 acres, 792 more after completion.

The Board recognized that the old Long Form SEQR was attached to this application and stated to "disregard" this old form. The new Long Form SEQR was attached and filled out.

The correct Long Form SEQR was discussed: [Meter 1:28]

Mr. Weiss asked if any exterior renovations were being proposed. Ms. Rosenquest said just the porch. The building is not historic and will not need historic site review.

Page 1. Brief description. Change name of action of project to just SUP.
Page 2. B c. Cross out Class A, Class B.
 e. Uncheck Clinton County Health
Page 3. C3a. Add RH
 D1a. Cross out "this action is for a commercial start-up in a
 mixed use (residential/commercial) facility and put "Only
 for bed and breakfast."
Page 6. d(iii) check "yes." Line extension check "no."
Page 7. (j)i. change "yes" to "no."

Page 13 take off "Financial projecting outlining income requirement for coffee shop operating within B&B."

This Long Form SEQR needs to be redone with the above changes and signed.

Long Form SEQR Part 2:

(h) Other impacts: add paving. No or small impact may occur.

MOTION LONG FORM SEQR:

By Ms. Fisher, seconded by Mr. Weiss

**TO AGREE WITH THE CHANGES FOR THE FULL ENVIRONMENTAL
ASSESSMENT FORM PART 1 AND TO BE COMPLETED AS AMENDED**

ALL IN FAVOR

[Meter 1:43]

Mr. Linney, 11 Pleasant Street then interrupted asking doesn't the audience get a chance to question the SEQR. He stated their home is directly affected by whatever happens with this property. When he was on the zoning board the first motion he would have made without a good accurate drawing to scale to show exactly how close those parking spaces are to his property line, would have been to postpone this. It would not have gone this far. He didn't know how the Board could possibly vote with what information has been provided. He wasn't saying he was against this project but there are some questions as to what is going to happen to the snow. Where is it going to go? Where is it going to go when it melts. Directly to his basement? He doesn't know because there was no accurate drawing submitted. When he went over this with his daughter, the first question is the parking spaces will be a lot closer to his property line than it shows. That is the biggest question - how can they possibly vote on anything here tonight without the accurate drawings. He sent people back every time to have an accurate drawing. When there were questions where a fence was - they required the applicant to get a survey. They didn't do it that way. He doesn't know what is going on these days but he asked the Board to postpone this appeal and get an accurate drawing so he can see it. He was told there was going to be paving blocks. Now the discussion is with asphalt. That's a big difference. Water tends to seep through paving blocks. It sheds from asphalt. Ask anybody on Park Avenue when they developed all the parking West of the area, they all have water in their basements. He doesn't want that in his little neighborhood and be the only one affected by water. He can't tell if he is going to be affected without an accurate drawing. That is part of that SEQR. How is it going to affect the neighborhood?

Shannon Tomo, 90 Brinkerhoff Street, next door asked the following:

1. What makes it a B&B vs. a rental? What's the difference? Length of stay? Ordinance regarding this?
2. Paving does actually impact. The landscaping itself will look different. The aesthetics – it's not a next door neighbor's lawn. It's now a parking lot. She believes the aesthetics are affected and the water run off as well.
3. Is the kitchen in the residence going to be used to cook for the bed and breakfast? If not, will they need a second unit in order to do that and will that increase the number of units. Will the kitchen they use for themselves be for the bed and breakfast. Therefore, will it increase the number of units?
4. What about signage. They are allowed to use this as a SUP but will they have a sign out in their front yard advertising this.

Mr. Nolland answered the paving couldn't exceed coverage or encroach on the setbacks.

Mr. Linney said any one that comes in after dark the head lights will be right into his bedroom. That's a problem for him. They currently park straight head toward the house. Ms. Parnes the reality is her driveway is long enough that it will hold 5 cars. They have to back out but they can definitely do this. She has a huge long driveway.

Mr. Nolland reiterated again this SUP is an allowed use in this district. He explained further about allowed uses, 4 non-blood related people could rent house, college housing. [Meter 1:50]

Rick Perry asked if this would happen, how does the City regulate how many guest you have because you have a 3500 SF house. How is it regulated and monitored that you don't have guests that are there for an extended period of time when it's college house. What regulation do you have pertaining to student parties as an alternative to a bed and breakfast? How would you regulate and oversee the number of people in that building as a guest. Mr. Nolland said the BI makes inspections. Ms. Gilbert added noise ordinance is policed. Mr. Perry asked are there regulations and/or procedures that oversee how many people are staying in a 3500 SF house as non-blood related. Mr. Nolland advised the City inspects these houses. Mr. Perry asked on a yearly basis? Mr. Nolland said no and was not following Mr. Perry's point. Mr. Perry said as an alternative to a highly regulated bed and breakfast, student housing is virtually not regulated nor does Joe have the staff nor the authority to go in and oversee the activity in that house. Mr. Nolland said they don't go in and regulate bed and breakfast either.

Mr. Nolland added they try not to create enforcement issues. He explained further. [Meter 1:54] Mr. Weiss commented about a wedding in his neighborhood, noise ordinance, police website, police enforcement, what's in the city code.

Mr. Nolland again reiterated this use is allowed with a SUP and as long as they create parking and does not need a variance and doesn't infringe on the front yard or side yard setback or cause a lack of open space.

Mr. Weiss added he would condition the SUP on providing appropriate screening for the parking from the neighbors. Mr. McMahon added the zoning ordinance does have a general use standard where you are not allowed to create offensive noise, odor and glare. There could potentially be a glare issue.

Ms. Gilbert asked what number of parking spaces does this require for screening. Mr. McMahon said screening is 10. Mr. Weiss said 10 parking spaces is also the number that requires site plan approval. Typically the Planning Board requires some type of screening for parking.

Ms. Latinville thought all 3 appeals should be postpone and perfectly done and put on next's month agenda. Mr. DeMane asked the applicant is it all or none? Mr. Rosenquest said yes, according to the purchase agreement, it's contingent on the 3 variances being approved. Mr. DeMane thought there was no reason to proceed with one without the other.

Items needed:

- New Long Form Revised SEQR;
- Financial information;
- Need parking drawing to scale
- How many parking spaces;
- Potential Fencing, barrier or screening.

Mr. Rosenquest thanked the board and the audience for expressing concerns. It's extremely important to them to be community minded in doing this. Ms. Rosenquest added there was a lot of paperwork they were unfamiliar with. They have it in sections but was hard to understand but clearly want to do this right.

MOTION:

By Mr. DeMane, seconded by Ms. Latinville

TO POSTPONE APPEAL #2006 TRACY VICORY-ROSENQUEST AND CHRIS ROSENQUEST AT 92 BRINKERHOFF STREET ON THE BOARDS BEHALF AND BASICALLY POSTPONING THE WHOLE THING INCLUDING THE SEQR AND REQUESTING THOSE 5 ITEMS THE SECRETARY READ OFF

ALL IN FAVOR: 5

Ms. Gilbert then rejoined the meeting.

MINUTES:

By Ms. Gilbert, seconded by Mr. DeMane

TO APPROVE THE JULY 21, 2014 MINUTES AS TYPED

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION TO ADJOURN:

By Mr. DeMane, seconded by Ms. Gilbert

ALL IN FAVOR

MOTION PASSED

Meeting adjourned at 9:08 PM

For the purpose of this meeting, this meeting was recorded on the VIQ System in the Common Council Chambers. This is a true and accurate copy and transcription of the discussion.

Denise Nephew
Secretary
Zoning Board of Appeals